

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LAMONE T. BLUE,

Plaintiff,

v.

C/O TABATHA DAVIS, et al.,

Defendants.

Case No. C05-0315-TSZ-JPD

ORDER OF DISMISSAL

The Court, having reviewed plaintiff's proposed civil-rights complaint, the Report and Recommendation of Judge James P. Donohue, United States Magistrate Judge, the objections thereto, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation with the following additional supplemental analysis relating to the claims against Davis and Lopez for interference with access to religious services. Plaintiff has also failed to establish any substantial burden on the free exercise of his religion. See Freeman v. Arpario, 125 F.3d 732, 736 (9th Cir. 1997). To establish the existence of a substantial burden, a plaintiff must show more than mere inconvenience. "In order to reach the level of a constitutional violation, the interference with one's practice of religion must be more than an inconvenience; the burden must be substantial and an interference with a tenet or belief that is central to religious doctrine." Freeman, 125 F.3d at 737 (internal quotations

ORDER

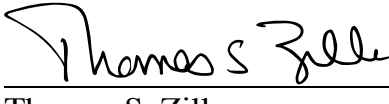
1 omitted) (dismissing inmate's free exercise claim because, although the interference
2 may have been inconvenient, it did not prevent him from participating in the mandates
3 of his religion). Additionally, the alleged interference should be more than an isolated
4 incident or short-term occurrence. See Canell, 143 F.3d at 1215 (dismissing inmate's
5 free exercise claim in part because "the intrusions were relatively short-term and
6 sporadic and did not constitute a substantial interference." (internal quotations
7 omitted)). Even accepting all of Plaintiff's allegations as true, Plaintiff failed to
8 establish any constitutional violation;

9 (2) Defendants' Motion for Summary Judgment (Dkt. No. 47) is GRANTED;

10 (3) Plaintiff's 42 U.S.C. § 1983 complaint (Dkt. No. 8) is DISMISSED with prejudice as
11 to all defendants; and

12 (4) The Clerk is directed to send copies of this Order to plaintiff, to counsel for defendant,
13 and to the Honorable James P. Donohue.

14 DATED this 25th day of May, 2006.

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17 Thomas S. Zilly
18 United States District Judge
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ORDER